

DISPOSITION: 4-17-61. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 44,150 lbs. destroyed.

27360. Wheat. (F.D.C. No. 45813. S. No. 57-552 R.)

QUANTITY: 121,200 lbs. at Seattle, Wash.

SHIPPED: 5-13-61, from Poplar, Mont., by Occident Elevator Co.

LIBELED: 5-25-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-26-61. Consent—claimed by Occidental Elevator, Div. of Russell-Miller Milling Co., Minneapolis, Minn., and converted into animal feed.

27361. Wheat. (F.D.C. No. 45841. S. Nos. 55-426 R, 56-060 R.)

QUANTITY: 237,600 lbs. at Spokane, Wash.

SHIPPED: 6-1-61 and 6-6-61, from Joplin, Mont., by Greely Elevator Co.

LIBELED: 6-16-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-21-61. Consent—claimed by Greely Elevator Co., and converted into animal feed.

## CHOCOLATE PRODUCT AND CONFECTIONERY

### CHOCOLATE PRODUCT

27362. Chocolate topping. (F.D.C. No. 45539. S. No. 55-916 R.)

QUANTITY: 20 50-lb. cases at Seattle, Wash., in possession of Hullin Terminal Warehouse Co., Inc.

SHIPPED: On various dates in 1960, from Buffalo, N.Y.

LIBELED: 3-29-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained mold, insect and rodent filth; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-26-61. Default—delivered to a Federal institution for use as animal feed.

### CONFECTIONERY

27363. Candy. (F.D.C. No. 46045. S. Nos. 65-991/3 R.)

QUANTITY: 25 boxes, 100 individually cellophane-wrapped Krunch candy bars each, and 8 boxes, 100 individually cellophane-wrapped Peco candy bars each, at Memphis, Tenn.

SHIPPED: 5-15-61 and 5-22-61, from North Little Rock, Ark., by Hoffman Candy Co.

LABEL IN PART: (Insert label) "Krunch \* \* \* 2 Oz. or over Sugar, Corn Syrup, Peanut Butter and Salt Hoffman Candy Company, North Little Rock, Ark." and "Peco Bar \* \* \* 2 Oz. or over Sugar, Peanuts, Corn Syrup, Coconut Soda and Salt Hoffman Candy Company, North Little Rock, Ark."

RESULTS OF INVESTIGATION: Examination showed the Krunch to be a hard candy bar having a caramel odor and peanut butter flavor, and the Peco Bar to be a peanut brittle-type candy bar containing a puffed cereal product which was not declared on the label. The articles were short weight. The average

shortage was found to be (Krunch) 0.13 ounces, or 6.50 percent, and (Peco Bar) 0.22 ounces, or 11.0 percent.

**LIBELED:** 6-23-61, W. Dist. Tenn.

**CHARGE:** 403(e) (2)—when shipped, the labels of the articles failed to bear an accurate statement of the quantity of the contents; and (Peco Bar) 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the cereal product ingredient had not been declared.

**DISPOSITION:** 6-28-61. Default—delivered to charitable institutions.

## DAIRY PRODUCTS

### BUTTER

**27364. Butter.** (F.D.C. No. 43762. S. No. 63-322 R.)

**QUANTITY:** 28 cases, 10 1-lb. prints each, at Chattanooga, Tenn.

**SHIPPED:** 5-15-61, from Louisville, Ky., by Armour Creameries.

**LABEL IN PART:** (Case) "Armour Star Cloverbloom Butter Made from Sweet Cream Armour Creameries Distributors General Office Chicago, Illinois."

**LIBELED:** 5-18-61, E. Dist. Tenn.

**CHARGE:** 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 6-16-61. Default—delivered to a charitable institution.

**27365. Butter.** (F.D.C. No. 43761. S. No. 59-175 R.)

**QUANTITY:** 67 64-lb. boxes at Chicago, Ill.

**SHIPPED:** 6-8-61, from Sully, Iowa, by Sully Co-op. Exchange Creamery.

**LIBELED:** 6-16-61, N. Dist. Ill.

**CHARGE:** 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 6-23-61. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked.

### CHEESE

**27366. Cheese.** (F.D.C. No. 45935. S. No. 69-637 R.)

**QUANTITY:** 3,233 lbs. total, in 76 cases, at Philadelphia, Pa.

**SHIPPED:** 4-25-61, from Red Oak, Ill., by Red Oak Dairy.

**LABEL IN PART:** (Case) "Illinois Cheddar Cheese Made From Pasteurized Milk Approved Plant 536 1764 Apr 15 1961 [or Apr 16, 18 and 20]."

**LIBELED:** 6-7-61, E. Dist. Pa.

**CHARGE:** 403(a)—when shipped, the label statement "Made From Pasteurized Milk" was false and misleading; and 403(g) (1)—the article failed to conform to the definition and standard of identity for cheddar cheese, since the milk used in the preparation of the article was not pasteurized and the cheese had not been cured at a temperature of 35° F. for a period of 60 days.

**DISPOSITION:** 7-6-61. Consent—claimed by M. Wildstein & Sons, Philadelphia, Pa., and released for conversion into pasteurized process cheese.